



2009 DEC 15 PM 4:20

PTO/SB/66 (03-09)

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

9620010 APP

RECEIVED

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

DEC 22 2009

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,890,041

Application Number 10/068,270

Issue Date May 10, 2005

Filing Date February 6, 2002

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above – identified patent

12/17/2009 DALLEN 00000003 6890041

☐

Is a reissue of original Patent No. 01 FC:1599 original issue date 2620.00 OP

original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

December 8, 2009

Date

Joseph F. Breimayer

Signature

Joseph F. Breimayer

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/> \$ 980	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ _____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 130 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 130

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ _____

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☒ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____

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7. OVERPAYMENT

As to any overpayment made please

- OR ☐ Credit to Deposit Account No. _____
- ☒ Send refund check *to winter address*

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

Joseph F. Beimayer

 Signature(s) of Petitioner(s)

December 8, 2009

 Date

Joseph F. Beimayer

 Typed or printed name(s)

25,551

 Registration Number, if applicable

763 528-8946

 Telephone Number

Summer - 37145 Silver Peak Road, Crosslake MN 56442

Address

Winter - 910 Evergreen Road, Lake Oswego, OR 97034

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

- ☒ Maintenance Fee Payment *including form PTO/SB/45 \$1,110.00*
- ☒ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition) *\$1,620.00*
- ☒ Petition Fee Payment and Statement of change from small entity to large entity

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OFFICE OF PETITIONS

**NOTIFICATION OF CHANGE IN STATUS FROM SMALL ENTITY TO
LARGE ENTITY PURSUANT TO 37 CFR 1.27g(2)**

**RE: U.S. Patent No. 6,890,041
Filed February 6, 2002
Issued May 10, 2005
Ribbens et al**

Statement

This statement accompanies a petition to reinstate the above patent for unintentional failure to pay the 3.5 year maintenance fee due in the May 10, 2008 to May 10, 2009, payment window and the required maintenance, surcharge and petition fees all mailed together to Mail Stop Petition.

In accordance with 37 CFR 1.27(a) (1), the inventors, Ribbens et al were a small entity (persons) at all times from filing through payment of the issue fee. After issuance of the patent, the inventors formed a Limited Liability Corporation with three other individuals to hold the patent rights. On June 29, 2007, the LLC entered into a limited field of use exclusive license agreement with a large entity, Parker-Hannifin Corporation, Cleveland, Ohio, which agreement continued in effect during the above payment window. It is assumed that this transfer of rights entails a loss of small entity status pursuant to 37 CFR 1.27(a)(1) ("who has not assigned, granted, conveyed or licensed, . . . any rights in the invention.") at least as long as the agreement remains in force.

This change in status notification is therefore made at the time of payment pursuant to 37 CFR 1.27(g) (2).

The undersigned requests that he be informed if his understanding that these facts entail loss of small entity rights is incorrect.

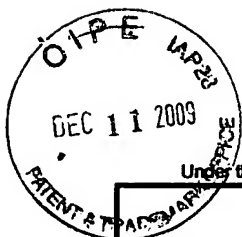
The delay in payment of the maintenance fee for this patent was unintentional.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Joseph F. Breimayer".

Joseph F. Breimayer
Registration No. 25,551

Winter address: 910 Evergreen Road
Lake Oswego, OR 97034
Tel. No. 763 528-8946

**MAINTENANCE FEE TRANSMITTAL FORM****(Do not submit this form electronically via EFS-Web)****Address to:**

Director of the United States
Patent and Trademark Office
Attn: Maintenance Fee
2051 Jamieson Avenue, Suite 300
Alexandria, VA 22314

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314" on December 8, 2009

- OR -

Fax to: 571-273-6500

Signature

Typed or printed name Joseph F. Breimayer

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☐ A check for the amount of \$ _____ for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed.
2. ☐ Payment by credit card. Form PTO-2038 is enclosed.
3. ☐ The Director is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to Deposit Account No. _____.
4. ☐ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. _____.

* Information required by 37 CFR 1.366(c) (columns 1 & 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, & 5).

Item	Patent Number* Column 1	U.S. Application Number* [e.g., 06/555,555] Column 2	Maintenance Fee Amount (37 CFR 1.20(e)-(g)) Column 3	Surcharge Amount (37 CFR 1.20(h)) Column 4	Payment Year (select one below) Column 5		
					3.5 yrs	7.5 yrs	11.5 yrs
1	6,890,841	10/068,270	980	130	X		
2							
3							
4							
5							
Subtotals: Columns 3 & 4			980	130	<input type="checkbox"/> additional sheets attached for listing additional patents.		
Total Payment			1,110				

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.

Respectfully submitted, *

Customer's Signature

Customer's Name Joseph F. BreimayerTelephone: 763-528-8946Registration Number, if applicable: 25,551

Fax: _____

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.368. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.